

Serial No. 10/807,091
Reply to Office Action of 4/20/05

REMARKS

Responsive to the Office Action mailed April 20, 2005, Applicants have studied the Examiner's comments. Claims 21-51 are currently pending. After entry of this Amendment, claims 43, 44, and 46-74 remain pending.

Restriction Requirement

The Office Action requires restriction of the claims under 35 U.S.C. § 121 into one of two groups of claims, identified as follows:

- I. Claims 21-42 and 45, drawn to a system or method, classified in class 166, subclass 355; and
- II. Claims 43, 44, and 46-51, drawn to a system, classified in class 175, subclass 5.

The Office Action asserts that the inventions claimed in the two groups are distinct from each other because they are related as combination and subcombination, but the combination and subcombination are patentably distinct.

Applicants elect to prosecute the claims of Group II without traverse, and have cancelled the claims of Group I without prejudice, in order to prosecute those claims in a divisional application that may be filed during the pendency of this application.

The identification of two independent and distinct inventions and restriction to one of those inventions without an examination on the merits is an admission by the Office—by definition—that each of the groups “ARE PATENTABLE (novel and unobvious) OVER EACH OTHER,”¹ and an admission that a search for art cannot be made without “serious burden.”² Therefore, the restriction requirement is an admission that the non-elected claims cannot be anticipated by or obvious over any art or combination of art that may be cited against the elected claims in future Office Actions, and likewise, the elected claims cannot be anticipated by or obvious over any art or combination of art that may be cited against the non-elected claims.

Amendments

Applicants have amended claim 43 to clarify that the first housing opening and the second housing opening both are to communicate a drilling fluid received from a marine riser. Applicants have also amended claims 48 and 49 to remove extraneous language. The amendments do not change the scope of the claims.

Applicants have added independent method claim 52 and its dependent claims 53-60, as well as dependent claims 61-68 and 69-74, which depend from independent claims 43 and 48,

¹ MPEP § 802.01.

² MPEP § 803.

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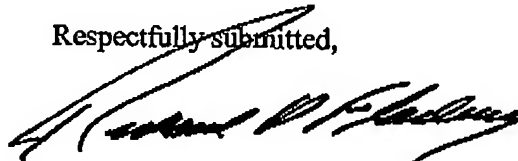
respectively to provide additional scope of claims to which Applicants are entitled. The new claims, which are subcombination claims according to Group II, do not add new matter.

CONCLUSION

Applicants respectfully submit that all issues have been adequately addressed, that all claims are allowable, and that the case should be advanced to issuance.

If the Examiner has any questions or wishes to discuss the claims, Applicants encourage the Examiner to call the undersigned at the telephone number indicated below.

Respectfully submitted,



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